

### **III. REMARKS**

In the Office Action, claims 71, 78, 88, 90 and 95 were rejected under 35 U.S.C. 102 as being anticipated by Elsmore (4683469) for reasons set forth in the Action.

Various ones of the claims were also rejected under 35 U.S.C. 103 as being unpatentable over the cited art, namely, claims 38-44, 46-52, 92-94 and 96-98 over Ali (US 2003/0197679) in view Swerup (US 20020177464), claims 53, 56, 58-59, 61-62, 65, 77, 81-82, 86-87, 89 and 91 over Elsmore in view of Sameshima (US 20020158889), claim 63 over Elsmore in view of Sameshima and Abkowitz (US 20010041973), claim 72 over Elsmore in view of Abkowitz, claims 64 and 66-70 over Elsmore, Sameshima and Ali, claim 73 over Elsmore and Larson, and claim 74 over Elsmore, Abkowitz and Larson (WO 02/47365).

Applicant's previous arguments were said to be moot in view of new grounds of rejection.

With respect to the rejections under 35 U.S.C. 102 and 103, various ones of the claims are amended and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims. In addition, claims 53, 56, 58-59, 61-74, 77-78, 81-82, 86-91, and 95 are canceled by this response.

The independent claims 38, 50 and 92 relate to a first embodiment of the invention. This embodiment relates to a device comprising a display and first and second keys that are associated with the display. The keys are fixedly positioned adjacent the display of the device. The display is configured to display "information content" with a first orientation. Control content, indicating

the function of the key for example, is displayed adjacent the first and second keys, with first control content being adjacent the first key and second control content being adjacent the second key.

The device is configured to change the orientation of the information content, and to interchange the first control content and the second control content, and also the first function and the second function, such that the first key has the second function and the second key has the first function. The position of the keys relative to the display does not change. See e.g. Figs 5A-C of the present application.

Support for the amendments made to claim 38 can be found at e.g. Figs 5A - 5D and [0034] - [0038] of the published application.

In the rejection of the independent claims 38, 50 and 92 under 35 U.S.C. 103(a) as being unpatentable over Ali in view of Swerup, the Examiner has based the majority of his arguments on Ali.

Ali discloses a device comprising a display and a keypad 750 which includes soft keys 870 and fixed keys 880. The fixed keys 880 each have a fixed function. The soft keys 870 each have a function that is programmable and indicated by one of the soft key icons located next to the soft keys 870 (paragraph [0068] of Ali published application).

Paragraph [0070] of Ali indicates that a display mode function is provided which "rotates the display 740 through all four orthogonal orientations, including portrait mode (Fig. 8B) and landscape mode (Fig. 8C), with each press of the corresponding key". Ali does not, however, provide an illustration of the display 740 in each of the four orthogonal orientations. Ali only provides illustrations of two of the orientations in Figs. 8B and 8C. It can be seen from Fig. 8B and 8C that when the display 740 is rotated from portrait mode (Fig. 8B) to landscape

mode (Fig. 8C), the soft key icons 820 are also rotated, but remain fixed in position next to their respective keys.

It is respectfully submitted that Ali does not disclose the interchange of the first function and the second function as recited in claim 38, this point being acknowledged by the Examiner.

It is also respectfully submitted that Ali does not disclose the interchange of first and second control content as recited in claim 38. This is also acknowledged by the Examiner. However, the Examiner alleges that Ali does not disclose the interchange of content "because Ali only shows tilting of the device to one side in the drawings." The Examiner then argues "However, note in the figures above (Figs 8a, 8b and 8c of Ali) that Ali desires to maintain the order of the input keys, this is most likely because it would be troublesome to the user if he has to learn a new configuration layout to each mode."

It is respectfully submitted that the Examiner's arguments cannot be followed. Figs 8a-c of Ali clearly show that the control content is not interchanged when the device is rotated. There is absolutely no disclosure in Ali that the control content should be interchanged when the device is rotated.

At [0070] Ali discloses "The display mode function rotates the display 740 through all four orthogonal orientations, including portrait mode (FIG. 8B) and landscape mode (FIG. 8C)". This clearly teaches that when the device of Ali is in portrait mode it looks as shown in Fig. 8B and when in landscape mode it looks as in Fig. 8C. Ali therefore teaches that when the device is rotated through the four orthogonal positions the control content should remain positioned next to the same key.

It is respectfully submitted that if the interchange of control content were intended in Ali, it would be disclosed in the description or indicated in the figures and as there is no such disclosure in Ali. The Examiner appears to be

incorporating this feature, acknowledged by the Examiner as providing an advantage, into Ali with inadmissible hindsight.

The examiner combines teachings of Swerup with the teachings of Ali.

Swerup discloses a method and apparatus for assigning the values or functions to be represented by the keys of a keypad in a mobile communication device. The keys of the keypad are capable of representing different values or functions based on the position of the cover lid of a flip phone. When the cover lid is closed the screen is partially covered and the keys, presented on the front of the cover lid, have a first set of functions (abstract and Figs. 1 - 3 of Swerup).

When the cover lid is opened, the full screen is revealed and the keys are inverted and face in the opposite direction to the screen. The function of the keys is altered such that they are easier to use when the cover lid of the phone is open and inverted ([0026] - [0027] and Figs 1 & 2 of Swerup).

Swerup discloses that when a flip cover is opened and thereby inverted, the display orientation changes from portrait to landscape and that the functions of the now backwards facing keys are altered, ([0028] and Fig. 3 of Swerup).

It is noted that there is no disclosure in Swerup of control content on the display of the device. Accordingly there is no disclosure in Swerup of the interchange of control content as recited in claim 38. As neither Ali nor Swerup disclose the interchange of control content, then no combination of these documents can disclose this feature.

The Examiner alleges that "Swerup discloses to interchange the first function and second function, such that the second input key has the first function and vice versa" and that it would be obvious to combine this teaching into Ali.

Ali discloses the rotation of information content between two positions where the information content is the same in both positions (Figs 8B and 8C of Ali). There is therefore commonality of information content in both positions.

Swerup discloses a change in the device from Fig. 1 to Fig. 2 or from Fig. 1 to Fig. 3. It is not possible to change between Fig. 2 and Fig. 3 in Swerup as the graphical layouts 202 and 302 are not alterable and therefore cannot be changed from the configuration shown in Fig. 2 to the configuration shown in Fig. 3.

Accordingly, there is no commonality of information content in figures 1 - 3 of Swerup as the screen shows different information content in Fig. 2 & 3 than in Fig. 1. It is respectfully submitted that a person skilled in the art would therefore not look to incorporate the teaching of Swerup into Ali.

Furthermore, it is respectfully submitted that the Examiner's arguments that Swerup discloses general change of function relating to orientation cannot be followed. In figures 1 - 3 Swerup, discloses the use of a flip section having keys on it that may be opened via a hinge to uncover the display of a device. In opening the flip, the keys on the front are inverted to point away from the user and the functions of the keys are changed in order to facilitate use of the keys while they are inverted and face away from the user.

One skilled in the art would understand that the change in the function of the key in Swerup is linked to the use of the flip section and the hinge. It is respectfully submitted that the person skilled in the art would not isolate the changing of the functions of the keys in Swerup from the use of the flip section and the hinge as the purpose of the change in function is to allow the user to operate the device of Swerup when the keys are inverted and facing away from the display.

Although it would not be obvious to do so, if the teaching of Swerup were incorporated into Ali it would be necessary to have keys facing in one direction

that had the first function and keys facing in the other direction that had a second function. This would not be ideal for the user.

Furthermore, claim 38 has been amended to recite "a first input key fixedly positioned adjacent a first portion of the display and a second input key fixedly positioned adjacent a second portion of the display and fixedly positioned adjacent the first input key;". As the change of function in Swerup cannot be isolated from the change in position of the keys, then the combination of Ali and Swerup cannot disclose this feature.

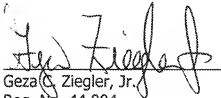
For the above reasons it is respectfully submitted that claim 38 is novel and non-obvious over the cited prior art. These arguments also apply to claims 50 and 92 as they have been amended similarly. The claims dependent on claim 38, 50 and 92 have been amended in line with the changes made to the independent claims.

The foregoing arguments apply to all pending independent claims. Since the independent claims are novel and non-obvious, the claims that depend from them are also novel and non-obvious.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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